

DANIEL J. BRODERICK, #89424
Federal Defender
DAVID M. PORTER, Bar #127024
Assistant Federal Defender
Counsel Designated for Service
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorney for Defendant
PHILLIP JACKSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. F 03- 5054 OWW
)	
Plaintiff,)	STIPULATION AND ORDER TO REDUCE
)	SENTENCE PURSUANT TO 18 U.S.C.
v.)	§ 3582(c) (2)
)	
PHILLIP JACKSON,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	
_____)	

Defendant, PHILLIP JACKSON, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Samuel Wong, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Jackson was subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

3. Accordingly, Mr. Jackson's adjusted offense level has been reduced from 31 to 29, and a sentence for the drug count at the mandatory minimum would be 120 months;

4. Mr. Jackson merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Jackson's positive post-sentencing conduct;

5. Accordingly, the parties request the court to enter the order lodged herewith resentencing Mr. Jackson to a term of 120 months.

Dated: October 1, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Lawrence W. Rice, Jr.
DAWRENCE W. RICE, Jr.
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
PHILLIP JACKSON

I understand and acknowledge that the relief sought by way of this stipulation, that is the reduction of my sentence to 120 months, is the only relief I will receive as a result of the pro se motion I filed on April 25, 2008.

Dated: September ___, 2008

PHILLIP JACKSON

ORDER

This matter came before the Court on the pro se motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2)

STIPULATION AND ORDER REDUCING
SENTENCE

1 filed April 25, 2008.

2 On December 1, 2003, this Court sentenced Mr. Jackson to a term of
3 121 months. The parties agree, and the Court finds, that Mr. Jackson
4 is entitled to the benefit of the retroactive amendment reducing crack
5 cocaine penalties, which reduces the applicable offense level from 31
6 to 29, and that an appropriate sentence on Count 2 would be at the
7 mandatory minimum of 120 months.

8 IT IS HEREBY ORDERED that the term of imprisonment originally
9 imposed is reduced to 120 months.

10 IT IS FURTHER ORDERED that all other terms and provisions of the
11 original judgment remain in effect.

12 Unless otherwise ordered, Mr. Jackson shall report to the United
13 States Probation office closest to the release destination within
14 seventy-two hours after his release.

15 IT IS SO ORDERED.

16 **Dated: October 10, 2008**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

28 STIPULATION AND ORDER REDUCING
SENTENCE